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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
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10 DONALD D. DIFFENBAUGH,

11 Plaintiff,

12 v.

13
14 NATIONAL CITY MORTGAGE, et
15 al.,

16 Defendants.
17

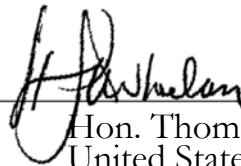
CASE NO: 10-CV-054 W (BLM)

**ORDER DENYING MOTION
TO DISMISS AS MOOT
(DOC. NO. 3.)**

18 On April 26, 2010, Plaintiff Donald Diffenbaugh ("Plaintiff") filed a First Amended
19 Complaint ("FAC") as a matter of course under Fed.R.Civ.P. 15. (Doc. No. 5.) In light of
20 the foregoing, the Court finds that the previously filed motion to dismiss is now moot, and
21 is therefore, **DENIED**. (Doc. No. 3.)
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23 **IT IS SO ORDERED.**
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25 DATED: April 30, 2010

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27 Hon. Thomas J. Whelan
28 United States District Judge

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